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The Evening Herald

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WE Wish the tax commission well; but we do not want its job.

TAX BOARD PROBES SANTA FE'S WAY OF GETTING AT VALUATIONS

Following Proffer of Assistance, State Commission Requests Chief of Department to Appear and Explain.

A. T. & S. F. OFFICIALS CONCLUDE TESTIMONY

Strong Protest Made at Carrying Burden of Every Increase since 1911 by Chief Attorney Bledsoe.

(Special Dispatch to Evening Herald)

Santa Fe, N. M., April 21.—The state tax commission this morning unanimously adopted a resolution inviting Mr. E. T. Cartidge of Topeka, tax commissioner of the Santa Fe railroad, to appear before the commission on Saturday next to advise the commission as to the railroads used by the Santa Fe and other railroads in 1913 in making its estimates of the value of property in the various counties of New Mexico. The resolution was passed following an offer by Mr. Tunnell, of the tax department of the railroad, to render every assistance in its power to the tax commission in reaching an equitable and complete assessment of all property in the state.

In a more detailed presentation of its case to the tax commission this morning officials of the Santa Fe told the commission that it was the feeling of the railroad company that the taxing bodies of the state in the past had not used every means at their command to secure the listing of all property, and that the railroads desired to co-operate to that end now as they have always been ready to do. Judge S. T. Bledsoe of Chicago, general attorney, presenting the Santa Fe's case, declared his belief that taxation under the existing tax commission law should be upon the basis of actual physical value of all property, regardless of its nature. He advanced the view that in the past the railroads, and especially the Santa Fe railroad, have been forced to carry the bulk of such increases in valuation as have been made and in addition to the exhaustive reports which the Santa Fe filed with the old state board of equalization in 1913 and 1914 he presented figures to prove, as he put it, that the Santa Fe railroad was carrying the banner and leading the procession in increased taxation.

These supplementary figures showing increases were in condensed form as follows:

In 1911, the grand total of all property on the tax rolls was \$25,288. The Santa Fe, \$7,319,362, or 29.1 per cent of the total.

In 1912 the Santa Fe was \$16,632,33, or 16 per cent of the total of \$72,457,454.

In 1913 the total valuation of all property, actual, was \$25,259,554. The Santa Fe was \$16,718,929, or 23.1 per cent.

In 1914 the total actual valuation of all property was \$26,631,817. The Santa Fe was \$16,155,829, or 23.1 per cent.

Judge Bledsoe pointed out that the tentative increase proposed by the board for this year would bring the Santa Fe's total up to \$26,095,636.

He introduced further figures to show that the increase of 1913 over 1912 on all classes of property was 16.3 per cent, while the increase of 1914 over 1913 was 5 per cent, while that of the Santa Fe was 9.7 per cent, while the proposed increase for 1915 on the Santa Fe was 11.6 per cent.

He said, was in the nice of the fact that there had been no increased mileage and no important improvements or expenditures of money.

Upon the mileage basis, he showed that in 1912 the Santa Fe had 1,182.51 miles of track in the state, assessed at \$16,632,33, upon which it paid taxes of \$242,597, or \$365 a mile. In 1914 upon 1,330.70 miles of track, assessed at \$18,071,078 (one-third actual value), the Santa Fe paid \$261,685 in taxes, or \$452 a mile. The increase in mileage, he showed, for the two years, was 14.5 per cent, the increase in assessed valuation 60 per cent, the increase in taxes actually paid 41.6 per cent, and the increase in taxes per mile 24 per cent.

"We do not feel that we deserve to carry the bulk of the burden of increase," said Judge Bledsoe, "especially when there was no increase actually in our value and when other property was not raised at all. We made no protest against the increases in 1914 because we felt that the board of equalization was doing the best it could under the conditions. We expected only fair treatment then and we expect only fair treatment from this commission. We know the great difficulties which confront you and we would not have consented to carry the burden in the past but for our belief that the board was doing the best it could. We will not have a controversy over our taxes."

(Continued on Page Two.)

American Reply to Note of Count Bernstorff Made Today

SUIT INSTITUTED WHICH IS TEST OF VALIDITY OF STATUTES

Harry H. Dorman and Others Ask Order Restraining Payment of Salary to Traveling Auditor Whittier.

TEMPORARY INJUNCTION IS GRANTED BY MECHEM

Writ is Returnable Tomorrow but Hearing will be Postponed it is Expected; Ernest to Ask Mandamus

(Special Dispatch to Evening Herald)

Santa Fe, N. M., April 21.—E. C. Wade, Jr., and J. H. Cris, prominent local attorneys, today filed a petition before Judge Mechem, sitting in district court here, for an injunction to restrain State Auditor W. G. Sargent from drawing any warrants from the state treasury to pay the salary of A. G. Whittier, alleged state traveling auditor under the act of the last legislature, and P. A. Hall, Earl Wiley and Miss Edith Willman, who have been appointed appraisers of the traveling auditor under the same law.

The injunction, which is brought upon petition of Harry H. Dorman and other taxpayers, was granted by Judge Mechem as a temporary restraining order returnable tomorrow morning, at which time it is expected a postponement will be had to a date in the near future and there is no doubt that the case will go to the state supreme court.

This action will bring about a test of the validity of all laws passed after 12 o'clock noon of the 12th of March, the act of the last legislature, and the British order in council are being abated.

Regarding the ambassador's protest against the sale of arms and munitions to the allies, it is understood that the reply declares that any attempt at this stage of the war to prohibit the sale of arms and ammunition to any opponent would constitute a just breach of neutrality.

The note is said to hold that it is Germany's misfortune if she is unable to convey arms to her home ports, while the market is open to her, and finally there is no possible application in the present conditions of the peculiar legislation and rules made in the case of Mexico.

PROHIBITING SALE OF ARMS THOUGHT UN-NEUTRAL

Bryan Understood to Have Pointed Out that Such Step at Present Would be Improper for United States.

Washington, April 21.—The reply of the United States to the recent memorandum from Count Bernstorff, the German ambassador, dealing with the exportation of arms to the allies, will be delivered today to the German embassy. Secretary Bryan made this announcement today, but would not discuss the details of the reply.

Secretary Bryan declined to say whether the reply accepted the ambassador's memorandum from the German government or as an expression of Count Bernstorff's personal views. The reply, however, gives it official recognition, leaving the question of its authority between the ambassador and his government.

The reply is understood to be a friendly discussion of the points raised by the ambassador, taking issue with the statement that the United States has accepted England's alleged violations of international law and calls attention to the various points presented by the state department to London asserting and defending the rights of neutral governments.

The effect of a declaration of a practical blockade by Great Britain has necessarily modified the strength of the position assumed by the United States on these subjects, but nowhere, the note points out, has there been any sacrifice of principle by the state department in the negotiations with the allies. Thus, it is pointed out, still are continuing with the result that almost daily the rigors of the British order in council are being abated.

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BURSUM NAMED TO SUCCEED CLARK ON TAX BOARD

No Intimation Whether Socorro County Man, Reputed Author of Law, will Serve on Commission it Creates.

(Special Dispatch to Evening Herald)

Santa Fe, N. M., April 21 (via Paris, 2:25 p.m.)—The *Messaggero* today publishes an interview with Senator Riccardi di Carafa, which gives a pessimistic forecast of the outcome of the negotiations between Italy and Austria.

The newspaper says the senator, who is a frequent caller at the house of Prince von Bismarck, the German ambassador to Rome, makes the statement that he heard from the prince a "confession" which was substantially as follows:

"Unfortunately the Italian-Austrian conversations are not proceeding satisfactorily. The failure would be followed by a rupture between Rome and Vienna. This will be resented in Germany."

"I am sorry to affirm that in this case eventually Germany will do her duty to the end by the side of Austria."

Continuing, Senator Carafa declares that he repeated his conversation to Premier Salandra, who did not seem surprised at it. On the contrary he said to the senator:

"Impelled by the paramount interests of our country we will proceed with our duty against all our antagonists."

AUSTRIAN-ITALIAN PEACE UNLIKELY SAYS SENATOR

Rome, April 21 (via Paris, 2:25 p.m.)—The *Messaggero* today publishes an interview with Senator Riccardi di Carafa, which gives a pessimistic forecast of the outcome of the negotiations between Italy and Austria.

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MEXICAN OUTLAWS SHOT IN RESCUE ATTEMPT

Leon Brothers Lose Lives when Confederates Attempt to Take Them from Officers in Mountain Gulch.

Tucson, Ariz., April 21.—Two Mexican outlaws, the Leon brothers, were shot and killed in a mountain gulch Monday night when confederates tried to rescue them from the hands of Pima county deputies who are attempting to rid Greater Ville, a border community of bad men, according to a report received here. Jose Maria, one of the attacking party, was wounded and captured.

When the deputies went to Greater Ville to serve a warrant on Antonio Encinas, charged with the abduction of Mrs. Loretta Yanez, Encinas opened fire with his revolver and escaped. Then the Leon brothers, armed, awoke the deputies during the night and ordered them to leave the settlement.

The officers ostensibly started for Tucson, but instead doubled back and arrested the Leon brothers and then took them to a mountain gulch. Fearing attack they set a watch. The rescue outlaw party was taken by surprise and the shooting followed.

Sheriff Forbes telegraphed from Greater Ville late last night that Encinas and his band had been located and surrounded in the hills. A posse was sent from here in automobiles to aid in rounding up the outlaws.

CONFISCATED ARMS BEING RETURNED IN COLORADO

Distribution of Weapons Taken up by Federal Troops Commences at Trinidad; Jury to Try Lawson Being Chosen.

Trinidad, Colo., April 21.—The distribution of firearms surrendered by citizens of this city in response to a disarmament proclamation of President Wilson, following the occupation of the district by federal troops last May, began this morning at the armory. Lieutenant R. Reed of the Eleventh United States cavalry is in charge of the distribution. Several hundred weapons collected by the army authorities and which have been stored at Fort Logan since the departure of the troops early last January will be given back to the owners.

(COMMENCE SELECTING JURY TO TRY MINE WORKERS' OFFICIAL)

Trinidad, Colo., April 21.—The work of selecting a jury for the trial of John H. Lawson, international board member of the United Mine Workers of America for District No. 15, who is charged with the murder of John Nimmie, a mine guard, on October 23, 1912, commenced in the district court here this morning. Members of a special venire selected by officers appointed by the court last week reported. Testimony was examined by Attorney H. N. Hawkins for the defense and Deputy Attorney General Norton Montgomery for the state.

(GIRL ASSERTS SHE
SAW UNSUITABLE
PERFORMANCE)

Edith Serkin, Testifying in Prosecution of Los Angeles Police Chief, Tells of Improper Spectacles.

Los Angeles, Cal., April 21.—The jury to try Charles E. Sebastian, suspended chief of police, and Mrs. Lillie Pratt on the charge of having committed acts tending to subvert the morale of Edith Serkin, Mrs. Pratt's ward, was completed here today.

Edith Serkin was the first witness. She told of having gone at various times with Mrs. Pratt to a room in an apartment next door to the chief's office in the central police station.

There, she said, she saw unsuitable performances. Sebastian, she said, was there some times, up to last Christmas eve.

The prosecution referred to the room as the "temptation" room.

Aerial Conflict Rages from Basel to Muelhausen on Rhine

TWO HOUR BATTLE IN AIR SEEN BY THOUSANDS

Zeppelins and Taubes, with Guns of Fort, Used Against Aerial Fleet of Allies; Russian Town Raided.

Geneva, April 21 (via Paris, 4:10 p.m.)—The Rhine from Basel to Muelhausen was the scene of an aerial engagement yesterday afternoon. The action lasted from 5 until 7 o'clock and it was witnessed by gatherings of people at many points of vantage.

Four aeroplanes of the allies, two British and two French, moved out from French territory to attack a group of German machines. Numerically the Germans were stronger, and as the aircraft of the allies were subjected to a bombardment from Fort Istein, they retired. Later they returned with reinforcements. Outnumbering the Germans, they drove them away.

Later, at half past nine o'clock, two Zeppelin airships, accompanied by several aeroplanes, appeared in the vicinity of Huningen, on the left bank of the Rhine, two miles from Basel. The coming was followed by firing for two hours.

(TEN GERMAN PLANES
RAID RUSSIAN TOWN)

Petrograd, via London, April 21 (4:14 p.m.)—Ten German aeroplanes raided the town of Blaystok, in Russian Poland, 45 miles southwest of Grodno, Tuesday morning, and threw down upon it more than 100 bombs.

London, April 21 (12:10 p.m.)—Disputes reaching London from the French from whom considerable military activity, with the artillery taking a prominent part in the attacks made by one side or the other. There is little evidence, however, that either side has gained, but whatever small advantage has been reaped seems to rest with the Germans between the Meuse and the Lorraine frontier. The French have made a slight advance at Fliry, but their report suggests that the gain was not proportionate to the effort put forth.

Berlin, April 21 (12:10 p.m.)—Colonel Roosevelt concluded his direct testimony late today after stating that the sole purpose of his attack on Mr. Barnes and Mr. Murphy was to try to correct abuses in the state government. He swore that he did not mean to make any charge of corruption against the plaintiff.

Syracuse, N. Y., April 21.—Colonel Roosevelt was to continue this afternoon the story by which he hopes to prove that he was justified in causing the publication of the statement upon which Mr. Barnes is based against direct primaries legislation.

He also identified a letter written by Barnes in which the latter told him "the idea of getting rid of bosses is absurd so long as you have party government."

Colonel Roosevelt was to continue this afternoon the story by which he hopes to prove that he was justified in causing the publication of the statement upon which Mr. Barnes is based against direct primaries legislation.

Theodore Roosevelt resumed the witness stand in the supreme court and continued to tell the story of his dealings with William Barnes in an effort to prove he was justified in making the statement upon which Barnes is suing him to recover \$50,000 for alleged libel. He said:

"I had conversations with Mr. Barnes regarding the gubernatorial election in 1908. These took place in Washington and possibly in Oyster Bay too."

"Now what were the conversations?" asked Mr. Powers.

"The conversations I had were in regard to Mr. Barnes' domination of the party. Now, Judge, they were continued conversations. I talked over a letter I wrote in 1908 to Senator Platt. I repeatedly referred to the domination of the party by Senator Platt and Mr. Barnes. I discussed the rightness of his rule."

"In the western arena a battery of the enemy observed not far from the cathedral of Rheine was taken under our fire.

"Between the Meuse and Moselle an attack extending over a large front was repulsed at Fliry yesterday with heavy losses to the French. In the wood of Le Prete we gained further ground."

"In the Vosges the enemy unsuccessfully attacked our position northwest and southwest of Matzenach and at Sonderbach. Here the French suffered serious losses."

"The ruling to this effect was read at the opening of today's session of the commodity rate case before W. M. Daniels, Interstate commerce commissioner.

"Among the Thorne questions were requests for actual physical values of the roads; amounts expended over a period of years, and the sums charged to operating expense and to maintenance funds.

The railroads objected to the questions on the ground that they called for a mass of figures which were unnecessary and would, they claimed, encumber the record with useless matter.

(PROGRESS IN CLAIMED
IN FIELD IN EUROPE
SAYS LLOYD-GEORGE)

Paris, April 21 (via London, 1:40 p.m.)—The French war office this afternoon gave out a report on the progress of hostilities which says:

"A cannonade of some violence took place in the region of Arras yesterday."

"Between the Oise and Aisne, between the Meuse and the Moselle, and in the wood of Mont